

CRIMINAL MINUTES

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY, NEW YORK
HON. RANDOLPH F. TREECE, presiding
UNITED STATES MAGISTRATE JUDGE

DATE: Nov. 18, 2004

TIME: 4:23 pm - 4:53 pm

U.S. DISTRICT COURT
ND OF NY
FILED

COURTROOM DEPUTY: ROBIN HINMAN

INTERPRETER: Ming Hall and Ying Burkitt
(Certified / Non-certified)

LANGUAGE: Mandarin

NOV 19 2004

LAWRENCE K. BAERMAN, CLERK
ALBANY

DOCKET NUMBER: 04-CR-544 TJM

UNITED STATES OF AMERICA

^{vs.}
Kun Fuk Cheng a/k/a Steven Cheng;
Jin Rong Cheng a/k/a Joyce Cheng; by Brian Devane - for Kun Fuk Cheng Esq.
and Hui Guo Not other counsel present

Pub. Defender ☒ Retained ☐ CJA Assigned ☐ Waived ☐

AUSA, Sara Lord and Elizabeth Coombe, for Government

PRETRIAL OFFICER(s): Kelly

☒ DATE OF ARREST 11/18/04

☒ INITIAL APPEARANCE ☐ REMOVAL HEARING ☐ RULE 40 DOCS RECEIVED

☐ ARRAIGNMENT ☐ ARRAIGNMENT ON SUPERSEDING INDICTMENT

☐ DETENTION HEARING ☐ PROBATION/SUPERVISED RELEASE VIOLATION HEARING

☐ BOND HEARING ☐ PRELIMINARY HEARING ☐ NEBBIA HEARING

☐ PLACEMENT HEARING ☐ HIP COMPLETION HEARING ☐ I.A. on VIOLATION HEARING

☒ NEXT APPEARANCE: Nov. 19th @ 1:30pm for:

☒ Jin Cheng + Hui Guo Arraignment ☐ Preliminary Hearing ☒ Detention Hearing

☐ Bond Hearing ☐ Removal / Identity Hearing ☐ Other: _____

☒ ^{Kun Fuk Cheng} DEFT. APPEARS 1st time with COUNSEL ☒ ^{(s) Jin Rong Cheng and Hui Guo} DEFT. APPEARS WITHOUT COUNSEL

☐ FINANCIAL AFFIDAVIT submitted ☒ COUNSEL to be APPOINTED BY COURT for Jin Rong Cheng and Hui Guo

☐ GOVT. MOVES to UNSEAL: ☐ COMPLAINT ☐ INDICTMENT ☐ INFORMATION

☐ COURT: ☐ GRANTS MOTION to UNSEAL ☐ DENIES MOTION to UNSEAL

☒ DEFT. Advised of rights, maximum penalty stated and given a copy of:

☐ Complaint ☐ Information ☒ Indictment ☐ Superseding Indictment ☐ Petition/Warrant

☒ GOVT. MOVES for DETENTION: ☒ Right to Continuance ☐ Risk of Flight ☐ Danger to Community

☐ GOVT. RECOMMENDS BAIL AT: \$ _____ PRB _____ ROR _____

☒ ^{Devane for Kun Fuk Cheng} ATTY. Waives the formal reading; and enters a PLEA of NOT GUILTY as to Kun Fuk Cheng.

☒ CASE assigned to JUDGE: MC AVOY

☒ Criminal PRETRIAL ORDER issued in court. to B. Devane(Only) ☐ Criminal PRETRIAL ORDER to be mailed to counsel.

BOND set at: \$ _____ PRB _____ ROR _____ Secured by property
Secured by: \$ _____ Unsecured _____ and/or Cash

☐ ORDER setting CONDITIONS OF RELEASE

☐ APPEARANCE BOND signed by Deft.

☐ AGREEMENT to FORFEIT PROPERTY signed by Deft.

☐ DEFT. Admits he/she is the person wanted in _____

☐ DEFT. Signs WAIVER of RULE 5 and 5.1 HEARING

☐ DEFT. ORDERED REMOVED to originating district

☐ DEFT. Failed to appear

☐ Oral ORDER for issuance of BENCH WARRANT ☐ Bond FORFEITED

☐ DEFT ORDERED detained pending trial; Order to be issued.

☐ DEFENSE ATTORNEY:

☐ Waives Detention Hearing, reserves rights to reapply

☐ Requests adjournment of Detention Hearing

☐ Waives Preliminary Hearing

☐ Requests adjournment of Preliminary Hearing

☐ DEFT. RELEASED

☐ DEFT. RELEASED ON CONDITIONS PREVIOUSLY SET

☒ DEFT. REMANDED to custody of the U.S. MARSHAL. Select one of the following ONLY after Defendants 1st appearance:

☒ LC ☐ LO (State, Local, Immigration/Naturalization Service or other Federal Authorities)

☐ Until bail is posted ☐ I.N.S. Detainer pending

☒ OTHER: Jin Rong Cheng did not complete a financial affidavit

Court will assign counsel to Jin Rong Cheng - advises her of purgery clause if information given is untrue. if court is informed of new information, the assignment may be revisited.

Hui Guo requests a court appointed attorney

Court may require Hui Guo to contribute to cost of appointed counsel